

1 DUNCAN J. MCNEIL, III
 2 2030 W. SPOFFORD
 3 SPOKANE, WA 99205
 4 INDIGENT, DISABLED,
 5 UNLAWFULLY INCARCERATED,
 6 CIVIL DEFENDANT, JUDGMENT
 7 CREDITOR AND APPELLANT

MO: _____
 DATE: _____
 FJ: _____

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DISTRICT COURT
 U.S. COURT OF APPEALS
 FOR
 DISTRICT OF DELAWARE

IN RE KAISER
 DUNCAN J. MCNEIL, III
 PLAINTIFF/APPELLANT
 V. KAISER
 UNITED STATES, ET AL.
 DEFENDANTS/APPELLEES

02-10429

CASE NO.
 FACPSC 59 # 60
 APPELLANT'S EX PARTE
 MOTION ~~FOR~~ TO RECONSIDER
 APPOINTMENT OF
 COUNSEL ON APPEAL
 IN THE INTERESTS
 OF JUSTICE, PURSUANT
 TO 28 USC § 1915(G)(1)
 AND JOHNSON v. US,
352 U.S. 565 (1957).

THE APPELLANT HEREBY CERTIFIES
 THAT THE HEREIN APPEAL REQUIRES AN
 ANSWER TO ONE OR MORE PRECEDENT-
 SETTING QUESTIONS OF EXCEPTIONAL
 IMPORTANCE, ARISING FROM THE DENIAL
 OF OR THE VIOLATION OF FUNDAMENTAL
 CONSTITUTIONAL RIGHTS. BASED UPON THE FACTS,
 STATEMENTS AND AUTHORITY CITED TO IN THE
 APPELLANT'S NOTICE OF APPEAL (INCORPORATED HEREIN)
 THE APPELLANT, INDIGENT & DISABLED, MOVES THE
 COURT FOR APPOINTMENT OF COUNSEL PER 28 USC
 § 1915(G)(1) AND /OR JOHNSON v. US, 352 U.S. 565 (1957)
 DATED: 4/24/06

PB 100-#4

J. H. O.

APPELLANT ASSERTS THAT IT WAS DENIED
THE RIGHT TO ENSURE DUE PROCESS IN THIS
ACTION, THAT APPELLANT SHOULD
BE ALLOWED COUNSEL, OR AT
LEAST "STAND-BY" COUNSEL, TO
ASSIST APPELLANT WITH ACCESS
TO THE COURT, RECORDS, AND w/
COMPLIANCE WITH THE COURT'S
DEADLINES & RULES. THE COURT
HAS IMPROPERLY, IN VIOLATION OF
DUE PROCESS, FINDING A "HISTORY
OF FRAUDULENT LITIGATION", WHICH
THE APPELLANT DISPUTES. THESE
CONTENTIONS OR FINDINGS ARE
ASKED TO BE HEARD ON THESE
ISSUES. APPELLANT MOVES
THE COURT FOR COPIES OF THE
ORDERS CITED TO IN ITS ORDER OF
4/18/06 (① 05-574, ORDER, AT 2 (ALL
22, 2005) AND ② 05-574, MEM.
ORDER, AT 6 (FEB. 7, 2006)), AND A
HEARING TO BE HELD ON A COUNSEL
ATTACK AS TO ANY ORDER REVIEWED.

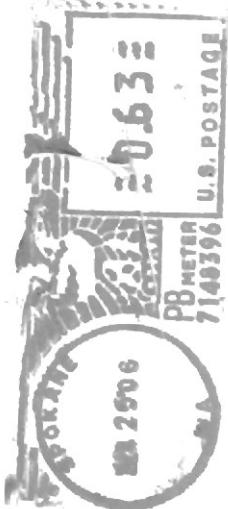
PB 2 OF 4

OR CITED TO BY THE COURT THAT
INFERS, STATES, OR ALLEGES THAT
APPELLANT ① HAS A "HISTORY" OF
FILING FRAUDULENT CLAIMS["] ; AND ②
CLAIMING THAT APPELLANT "HAS
BEEN" DESERED A "VEXATIOUS
LITIGANT" BY THREE OTHER COURTS.
APPELLANT DISPUTES THESE FINDINGS
OF THIS COURT, AND PURSUANT
TO FRCP 52, 59 & 60, SEeks
RELIEF FROM SAID FINDINGS
(MADE SOA SPONTE & EX PARTE)
MADE WHO VOTE OR DRAFTED
TO THE HEARD, APPELLANT CERTIFIES
THAT ALL SUCH ORDERS ARE "ULIO
AD HOC", ENTERED IN A CLEAR
ABSENCE OF ALL JURISDICTION,
CONTRARY TO ~~THE ESTABLISHED~~
~~&~~ CONSTITUTIONAL PROVISIONS,
STATUTES, CASE LAW OR OTHER
AUTHORITY. AS SUCH SUCH ORDERS ARE
SUBJECT TO A COLLATERAL ATTACK
IN THE ACTION AS THEY HAVE
PASSED REVIEW UPON BY THIS
PCB 3 of 4

COURT IN DENYING APPELLANT
RELIEF, IN VIOLATION OF THE
APPELLANT'S RIGHT TO DUE
PROCESS, AND RIGHT TO BE
HEARD.

AS SUCH APPELLANT
SEEKS RELIEF FROM THE COURT
ORDERS AND FINDINGS, UNDER
FEDR 52,59 & 60, AND/OR
A MOTIONED HEARING w/ A
BREAKING SCHEDULE ON THAT
ISSUE.

APPELLANT FURTHER ASSERTS
THAT THE COURT'S PRE-DEPOSING
TO DENY APPELLANT DUE PROCESS,
TO DECARE APPELLANT FRIVOLOUS
AND vexatious, ON A EX PARTE
SUA SPONTE BASIS, IS BASIS FOR THE
COURT TO DISQUALIFY ITSELF IN
THE MATTER AS THE APPELLANT'S
RIGHT TO A FAIR HEARING IS BECAUSE THE
FEDERAL GOVERNMENT IS COMPROMISED.
4/24/06
D.C. 4 of 4



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U.S.M.S.
X-RAY

LEGAL MAIL